

1 **Rule 5.3. Responsibilities Regarding Non-Lawyer and Non-Licensed Paralegal Practitioner**
2 **Assistants.**

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4 With respect to a non-lawyer or non-licensed paralegal practitioner employed or retained by
5 or associated with a licensed paralegal practitioner:

6 (a) a partner, and a licensed paralegal practitioner who individually or together with other
7 licensed paralegal practitioners possesses comparable managerial authority in a firm of licensed
8 paralegal practitioners, shall make reasonable efforts to ensure that the firm has in effect
9 measures giving reasonable assurance that the person's conduct is compatible with the
10 professional obligations of the licensed paralegal practitioner;

11 (b) a licensed paralegal practitioner having direct supervisory authority over the non-lawyer
12 or non-licensed paralegal practitioner shall make reasonable efforts to ensure that the person's
13 conduct is compatible with the professional obligations of the licensed paralegal practitioner; and

14 (c) a licensed paralegal practitioner shall be responsible for conduct of such a person that
15 would be a violation of the Licensed Paralegal Practitioner Rules of Professional Conduct if
16 engaged in by a licensed paralegal practitioner if:

17 (c)(1) the licensed paralegal practitioner orders or, with knowledge of the specific conduct,
18 ratifies the conduct involved; or

19 (c)(2) the licensed paralegal practitioner is a partner or has comparable managerial authority
20 in the firm of licensed paralegal practitioners in which the person is employed, or has direct
21 supervisory authority over the person, and knows of the conduct at a time when its consequences
22 can be avoided or mitigated but fails to take reasonable remedial action.

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25 Comment

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27 [1] Paragraph (a) requires licensed paralegal practitioners with managerial
28 authority within a firm of licensed paralegal practitioners to make reasonable efforts to ensure
29 that the firm has in effect measures giving reasonable assurance that non-lawyers or non-licensed
30 paralegal practitioners in the firm and non-lawyers or non-paralegals outside the firm who work
31 on firm matters act in a way compatible with the professional obligations of the licensed

32 paralegal practitioner. See Comment [1] to Rule 5.1 (responsibilities with respect to licensed
33 paralegal practitioners within a firm). Paragraph (b) applies to licensed paralegal practitioners
34 who have supervisory authority over such non-lawyers or non-licensed paralegal practitioners
35 within or outside the firm. Paragraph (c) specifies the circumstances in which a licensed
36 paralegal practitioner is responsible for the conduct of such non-lawyers or non-licensed
37 paralegal practitioners within or outside the firm that would be a violation of the Licensed
38 Paralegal Practitioner Rules of Professional Conduct if engaged in by a licensed paralegal
39 practitioner. The firm's compliance with paragraph (a) resides with each partner or other licensed
40 paralegal practitioner in the firm with comparable authority.

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42 [1a] Even though the concept of firm discipline is possible, a firm should not be responsible in
43 the absence of individual culpability for a rule violation.

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45 Non-Lawyers or Non-Licensed Paralegal Practitioners Within the Firm

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47 [2] Licensed paralegal practitioners may employ assistants in their practice, including secretaries,
48 investigators, law student interns and paraprofessionals. Such assistants, whether employees or
49 independent contractors, act for the licensed paralegal practitioner in the rendition of the licensed
50 paralegal practitioner's professional services. A licensed paralegal practitioner must give such
51 assistants appropriate instruction and supervision concerning the ethical aspects of their
52 employment, particularly regarding the obligation not to disclose information relating to
53 representation of the client, and should be responsible for their work product. The measures
54 employed in supervising non-lawyers or non-paralegal practitioners should take account of the
55 fact that they do not have legal training and are not subject to professional discipline.

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57 Non-lawyers or Non-Licensed Paralegal Practitioners Outside the Firm

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59 [3] A licensed paralegal practitioner may use non-lawyers or non-LPPs outside the firm to assist
60 the LPP in rendering legal services to the client. Examples include sending client documents to a
61 third party for printing or scanning, and using an Internet-based service to store client
62 information. When using such services outside the firm, a licensed paralegal practitioner must

63 make reasonable efforts to ensure that the services are provided in a manner that is compatible
64 with the licensed paralegal practitioner's professional obligations. The extent of this obligation
65 will depend upon the circumstances, including the education, experience and reputation of
66 the non-lawyer or non-licensed paralegal practitioner; the nature of the services involved; the
67 terms of any arrangements concerning the protection of client information; and the legal and
68 ethical environments of the jurisdictions in which the services will be performed, particularly
69 with regard to confidentiality. See also Rules 1.1 (competence), 1.2 (allocation of authority), 1.4
70 (communication with client), 1.6 (confidentiality), 5.4(a) (professional independence of the
71 licensed paralegal practitioner), and 5.5(a) (unauthorized practice of law). When retaining or
72 directing a non-lawyer or non-licensed paralegal practitioner outside the firm, a licensed
73 paralegal practitioner should communicate directions appropriate under the circumstances to give
74 reasonable assurance that the non-lawyer's or non-licensed paralegal practitioner's conduct is
75 compatible with the professional obligations of the licensed paralegal practitioner.

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77 [4] Where the client directs the selection of a particular non-lawyer or non-licensed paralegal
78 practitioner service provider outside the firm, the licensed paralegal practitioner ordinarily
79 should agree with the client concerning the allocation of responsibility for monitoring as between
80 the client and the licensed paralegal practitioner. See Rule 1.2. When making such an allocation
81 in a matter pending before a tribunal, licensed paralegal practitioners and parties may have
82 additional obligations that are a matter of law beyond the scope of these Rules.